



## ***CLOSED CASE SUMMARY***

ISSUED DATE: AUGUST 27, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0110

### **Allegations of Misconduct & Director's Findings**

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete In All Communication	Not Sustained - Unfounded
# 3	6.180 - Searches-General 1. Officers May Only Make Searches Under a Search Warrant Unless a Specific Exception Applies	Not Sustained - Unfounded

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Allegation Removed
# 2	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete In All Communication	Allegation Removed
# 3	6.180 - Searches-General 1. Officers May Only Make Searches Under a Search Warrant Unless a Specific Exception Applies	Allegation Removed

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

Named Employee #1 (NE#1) and Named Employee #2 (NE#2)—unnamed employee(s)—executed a search warrant at the Complainant's apartment. The Complainant alleged bias against the Complainant. The Complainant alleged that NE#1 and NE#2 lied in their affidavit to obtain a search warrant. The Complainant also alleged that NE#1 and NE#2 seized items beyond what the search warrant allowed.

### **ADMINISTRATIVE NOTE:**

On August 15, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.



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**SUMMARY OF INVESTIGATION:**

OPA received a complaint and opened an investigation. During its investigation, OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report and email correspondence. OPA also interviewed the Complainant and NE#1. OPA also met with an SPD assistant chief.

*A. OPA Complaint*

The Complainant submitted an OPA complaint and several follow-up emails. The Complainant alleged that SPD officers were racist and lied to a judge to obtain a search warrant. The Complainant also alleged that officers seized items beyond the search warrant's scope.

*B. Computer-Aided Dispatch (CAD) Call Report*

On February 7, 2023, at 6:58 AM, CAD call remarks noted: "2ND HAND INFO FROM RESIDENT REGARDING RESIDENT DOWN IN FRONT OF THEIR [APARTMENT] DOOR OVERNIGHT, [REPORTING PARTY] NOT ON SCENE TO VERIFY, NO ADDITIONAL INFO. ATTEMPTING [CALL BACK] TO ORIGINAL COMPLAINANT." The call was initially coded as "DOA [dead on arrival]." The call was finally coded as a homicide.

*C. OPA Interviews*

The Complainant provided a limited statement to OPA. The Complainant said the officer who applied to search her apartment lied on the warrant application. She also said her friend—the homicide victim—did not live with her. She said officers damaged her and her children's property during the search, evidenced by photographs she sent to OPA. She also said she was missing two hats and a cell phone. Last, the Complainant said officers were unprofessional and unhygienic.

OPA interviewed NE#1—the assigned Homicide Unit detective. NE#1 said that SPD does not release information about open and active homicide investigations without a need to share it. NE#1 said his search warrant application for the Complainant's apartment was truthful and subjected to perjury penalties. NE#1 said a clerical error led to two King County Superior Court judges reviewing and approving the search warrant. NE#1 said all items taken were listed on the return of service and identified as approved items in the search warrant. NE#1 also denied engaging in biased-based policing.

*D. OPA Meeting*

OPA could not review the entire case file since it involved an open homicide investigation. OPA requested a copy of the file, but Witness Supervisor #1 (WS#1)—an SPD assistant chief—declined but permitted OPA to inspect it in person. WS#1 told OPA that NE#1 and other detectives gathered and analyzed evidence at the crime scene, leading officers to seek a search warrant. WS#1 said NE#1 wrote the search warrant application, which was reviewed and approved by NE#1's chain of command. WS#1 said that a King County deputy prosecuting attorney and, subsequently, a King County Superior Court judge reviewed and approved the search warrant application. Additionally, WS#1 told OPA that the search warrant was considered a "dynamic search warrant," requiring an SPD SWAT team to force entry due to the nature of the crime and unknown factors. WS#1 said the SPD officers executing the search warrant were under NE#1's authority.



WS#1 told OPA that SPD officers photographed and seized items from the Complainant's apartment. OPA reviewed the photographs. OPA also reviewed the seized items and confirmed they were documented in accordance with the search warrant requirements.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing***

The Complainant alleged that NE#1 engaged in biased-based policing.

SPD prohibits biased policing, defined as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." SPD Policy 5.140-POL. This includes different treatments based on race. *See id.*

Here, the Complainant said SPD was "training people under racism to be racist officers alike." No evidence suggests that NE#1 treated the Complainant differently based on her race. NE#1 told OPA that the search warrant was sought based on collected evidence. OPA reviewed the search warrant information and evidence collected during its meeting with WS#1. OPA concluded there was an evidentiary basis to seek a search warrant for the Complainant's apartment. OPA found no evidence that NE#1 engaged in bias-based policing.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

**Named Employee #1 - Allegation #2**

***5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete In All Communication***

The Complainant alleged that NE#1 lied on his search warrant application.

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

Here, NE#1 wrote the search warrant application under penalty of perjury. The search warrant application underwent multiple layers of review and approval—through NE#1's chain of command, a King County homicide prosecutor, and two King County Superior Court judges, even though only one judge's approval was needed. No evidence suggests that NE#1 lied on the search warrant application.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**



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**Named Employee #1 - Allegation #3**

***6.180 - Searches-General 1. Officers May Only Make Searches Under a Search Warrant Unless a Specific Exception Applies***

The Complainant alleged that NE#1 seized more items than what was allowed in the search warrant.

SPD forbids warrantless searches unless an exception applies. See SPD Policy 6.180(1).

Here, NE#1 said the items taken were listed on the return of service and identified as approved items in the search warrant. Further, SPD officers documented the items seized from the Complainant's apartment. OPA independently reviewed the documentation and concluded that it conformed to the requirements of the search warrant. There is no evidence to suggest NE#1 seized more of the Complainant's belongings than allowed in the search warrant.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

**Named Employee #2 - Allegation #1**

***5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing***

OPA classified allegations against unknown employees as OPA could not identify the scope of the Complainant's complaint when it was classified. OPA's investigation found that the Complainant's allegations only concerned NE#1 and that other employees executing the search warrant acted in good faith based on information NE#1 provided.

For this reason, the allegation against NE#2—unnamed employee(s)—is removed.

Recommended Finding: **Allegation Removed**

**Named Employee #2 - Allegation #2**

***5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete In All Communication***

For the reasons stated above at Named Employee #2 – Allegation #1, this allegation is removed.

Recommended Finding: **Allegation Removed**

**Named Employee #2 - Allegation #3**

***6.180 - Searches-General 1. Officers May Only Make Searches Under a Search Warrant Unless a Specific Exception Applies***

For the reasons stated above at Named Employee #2 – Allegation #1, this allegation is removed.

Recommended Finding: **Allegation Removed**